Remarks

The Communication mailed September 26, 2002 has been received and reviewed. In it a restriction requirement was entered. New claims 23-25 are to be added. No new matter has been added as basis for these claims existed in originally filed claim 19 (before entry of the Preliminary Amendment).

Applicants elect the claims of Group I. Substantive examination of the application is requested. Applicants have canceled claims 8-10, 12-18 and 22, without prejudice or disclaimer, as drawn to non-elected groups. Applicants reserve the right to pursue the canceled claims in one or more related applications.

The Communication states that "irrespective of whichever group applicant may elect" restriction to a "single disclosed disease state and a single disclosed interacting protein compound" are required. Applicants' counsel discussed this requirement with the Examiner in a telephone conference on October 17, 2002. Applicants wish to note that the Examiner's attention to, and assistance with, this matter in that telephone conference was helpful and is appreciated. As discussed in that phone call, applicants believe that such elections are solely directed to non-elected method elements and since applicants have elected Group I claims directed to isolated proteins and pharmaceutical compositions comprising isolated proteins, these elections are now inappropriate for, and non-limiting of, compound claims. However, as election is required in responding to this action, applicants elect the CD40-related diseases, with traverse, as the single disclosed disease state and elect TTRAP, with traverse, as the disclosed protein interacting compound. Since such method limitations are inappropriate in compound claims, it is respectfully requested these election requirements be withdrawn as discussed in the telephone conference.

An election of either SEQ ID NO: 2 or SEQ ID NO: 4 is required by the Communication. Applicants understand this be a species election and designate SEQ ID NO: 2 as the elected species. Claims 3 and 23 contain the element of SEQ ID NO: 4 and are drawn to the non-elected species. All remaining claims include the element of SEQ ID NO: 2 and are drawn to the elected species. Claims 1 and 19 are designated as generic claims and upon their allowance, it is requested that claims 3 and 23 be rejoined and examined pursuant to Rule 141.

If questions exist after consideration of the foregoing, the Office is kindly requested to contact the applicants' representative at the address or telephone number below.

Respectfully submitted,

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Date: October 28, 2002

MARKED UP VERSION SHOWING CHANGES MADE

IN THE CLAIMS:

Please cancel claims 8-10, 12-18, and 22, without prejudice or disclaimer.

Please amend the remaining claims as follows:

1. (Two Times Amended) An isolated protein capable of interacting with receptors of the TNF superfamily including the cytoplasmic domain of CD40, [CD30 and TNF receptor II] said isolated protein comprising an amino acid sequence having 70-100% homology to the amino acid sequence depicted in SEQ ID NO[.] : 2 or a fragment thereof capable of interacting with receptors of the TNF superfamily, including the cytoplasmic domain of CD40.

3. (Two Times Amended) The isolated protein of claim 1 further comprising the amino acid sequence depicted in SEQ ID NO[.] : 4.

5. (Two Times Amended) The isolated protein of claim 1 wherein said isolated protein is a fragment, said fragment comprising the amino acids 54-362 of SEQ ID NO [.] : 2.

6. (Two Times Amended) The isolated protein claim 1 wherein said isolated protein is a fragment comprising the amino acids 274-362 of SEQ ID NO[.] : 2.

20. (Amended) A pharmaceutical composition for treating a CD40-related disease, said pharmaceutical composition comprising:

at least one [or more compounds] compound produced [according to the method of claim 18] by interacting the isolated protein of claim 1 and/or said fragment thereof with other protein components of the CD40 related pathway, and detecting the at least one compound's effect on said interaction; and

a pharmaceutical acceptable carrier material.